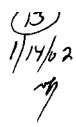
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#### UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED

JAN 1 1 2002

OHIO CASUALTY GROUP, as Subrogee of ERIC STAUB,

V.

Plaintiff,

JURY 1

J & J INVESTMENT MANAGEMENT COMPANY,

Defendant.

CIVIL ACTION NO.: CV01-0785 JURY TRIAL DEMANDED

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# MOTION TO AMEND CASE MANAGEMENT ORDER TO EXTEND DISCOVERY DEADLINE AND DEADLINES CONCERNING EXPERTS AND DISPOSITIVE MOTIONS OF DEFENDANT, J&J INVESTMENT MANAGEMENT COMPANY

J&J Investment Management Company, by and through their counsel, Durkin & Abel, P.C., respectfully moves this Honorable Court to extend the discovery deadline and deadlines concerning experts and dispositive motions <u>only</u> and avers as follows:

- 1. On September 13, 2001, the Honorable Yvette Kane issued a Case Management Order setting forth various deadlines and dates with regard to this action. A true and correct copy of the Case Management Order is attached hereto and incorporated hereto as Exhibit "A."
- 2. As a result of discovery, Defendant is filing contemporaneously with this Motion, a Motion to File and Serve Third-Party Complaint, which has been concurred with by Plaintiff.

3. As a result of the developments concerning the Third-Party Motion, it will be necessary for the discovery, expert and dispositive motion deadlines to be extended in order to allow for the present parties, and the Third-Party Defendants, to exchange discovery and complete depositions.

4. As a further basis for this Motion, counsel for the Defendant avers that he has recently learned that he is scheduled to commence a jury trial in the Court of Common Pleas of Mifflin County as Plaintiff's counsel in the matter of *Houtz v. Peachey Chimney Service, et al.* 

5. Movant believes that all of the remaining deadlines can be met and this Motion is only limited to discovery, expert and dispositive motion issues.

WHEREFORE, Defendant respectfully requests that this Honorable Court grant the attached proposed Revised Case Management Order.

Respectfully submitted,

DURKIN & ABEL, P.C.

By:

Martin A. Durkin, Jr., Esquire Identification No.: 37279 One Penn Center - Suite 1520 1617 John F. Kennedy Boulevard Philadelphia, PA 19103 (215) 569-9090

## UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

OHIO CASUALTY GROUP, as Subrogee of ERIC STAUB,

v.

Plaintiff,

: CIVIL ACTION NO.: CV01-0785

JURY TRIAL DEMANDED

J & J INVESTMENT MANAGEMENT COMPANY,

Defendant.

#### **REVISED CASE MANAGEMENT ORDER**

AND NOW this day of 2002 upon consideration of Defendant's Motion to Amend Case Management Order to Extend Discovery Deadline and Deadlines Concerning Experts and Dispositive Motions, it is hereby ORDERED that the discovery deadline is extended for an additional forty-five (45) days until March 11, 2002, reports of experts are due on March 20, 2002, response reports to experts' reports are due on April 3, 2002 and dispositive Motions are due on Wednesday, April 24, 2002.

BY THE COURT:	
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# UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

OHIO CASUALTY GROUP, as Subrogee of ERIC STAUB,

Plaintiff,

CIVIL ACTION NO.: CV01-0785
v. JURY TRIAL DEMANDED

J & J INVESTMENT MANAGEMENT COMPANY,

:

Defendant.

## **CERTIFICATE OF CONCURRENCE**

I, Martin A. Durkin, Jr., counsel for Defendant, hereby aver that counsel for the Plaintiff concurs with the Motion to amend case management order.

Respectfully submitted,

**DURKIN & ABEL, P.C.** 

Martin A. Durkin, Jr., Esquire

# **CERTIFICATE OF SERVICE**

MARTIN A. DURKIN, JR., ESQUIRE, hereby certifies that a true and correct copy of the foregoing Defendant's Motion to Amend Case Management Order to Extend Discovery Deadline and Deadlines Concerning Experts and Dispositive Motions has been forwarded to counsel listed below by United States First-Class mail, postage pre-paid, on the 9<sup>th</sup> day of January, 2002 as follows:

Hayes A. Hunt, Esquire COZEN O'CONNOR The Atrium, 1900 Market Street Philadelphia, PA 19103

James F. Malloy, Esquire

NELSON LEVINE De LUCA & HORST

Three Valley Square, Suite 280
512 Township Line Road

Blue Bell, PA 19422

MARTIN A DURKIN IR